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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,610	03/30/2001	Thomas M. Sirhall	SMQ-057	6046
959	7590	06/03/2004	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			MISTRY, O NEAL RAJAN	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/823,610	<b>Applicant(s)</b> SIRHALL, THOMAS M.	
	<b>Examiner</b> O'Neal R Mistry	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This application has been examined.
2. Claims 1-24 are presented for examination.

#### ***Drawings***

New corrected drawings are required in this application because Figures 1-8 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1, 7, & 13 rejected under 35 U.S.C. 102(e) as being anticipated by Fields.

3. Claim 1 is rejected, Fields discloses an electronic device that provides an on-line educational course, a method comprising:

providing an interactive image-drag-drop software tool, wherein the software tool generates a graphical user interface displaying a question, a plurality of answer selections and a plurality of answer regions to a user to allow the user to drag each answer selection of the plurality of answer selections to a unique answer region of the plurality of answer regions (col. 5 lines 49-59); and

forwarding the image-drag-drop software tool from the electronic device to a remote client (col. 4 lines 8-12).

4. Claim 7 is rejected, Fields discloses an electronic device that provides an on-line educational course, a method comprising:

receiving a request for a Web page at the electronic device from a remote client (col. 4 lines 8-12) ; and

in response to the receiving step, sending a Web page containing a question and an image-drag-drop software tool embedded therein to the remote client, wherein the image-drag-drop software tool generates a graphical user interface (GUI) including instructions to a user to enter a correct response to the question provided by the Web page. (col. 5 lines 46-59)

5. Claim 13 is rejected, Fields discloses A computer-readable medium for use in an electronic device that provides an on-line educational course, comprising:

instructions for running an; image-drag-drop software tool for displaying a question, a plurality of answer selections and a plurality of answer regions to a user to allow the user to drag each answer selection of the plurality of answer

selections to a unique answer region of the plurality of answer regions to form a proper response to the question. (col. 5 lines 46-59)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-6,8-12, & 14-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (U.S. Patent 6,347,943), hereafter referred to as Fields, in view of Tsumori et al (U.S. Patent 6,435,880), hereafter referred to as Tsumori.

6. As to regards claim 2, Fields shows image-drag-drop software tool (col. 5 lines 46-59) but does not disclose "feedback to the user indicating whether the dragging of each answer selection of the plurality of answer selections to answer regions by the user is a correct reply to the question".

Tsumori shows feedback to the user indicating whether the answer selection of the plurality of answer selections to answer regions by the user is a correct reply to the question (col. 2 lines 8-12 & Fig. 6, Fig. 12, Fig. 13).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the features demonstrated by Tsumori into the invention of Fields by implementing a feedback to the user.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

7. As to regards claim 3, Fields states image-drag-drop software tool (col. 5 lines 46-59) but does not discloses "predetermined number of attempts by the user to correctly drag each answer selection of the plurality of answer selections to answer regions".

Tsumori states predetermined number of attempts by the user to correctly drag each answer selection of the plurality of answer selections to answer regions (Fig. 8 S6 & col. 10 line 61- col. 11 line 24). The examiner has interrupted that by inspecting S6 in the Fig. 8, the user has only one chance to get the answer correct. If the answer is not correct then the in-correct display screen with demonstrate the a reason why the answer choice was wrong.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

8. As to regards claim 4, Fields states image-drag-drop software tool (col. 5 lines 46-59) but does not discloses "automatically provides an arrangement of the answer

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selections in the answer regions after the user surpasses the predetermined number of attempts.”

Tsumori states automatically provides an arrangement of the answer selections in the answer regions after the user surpasses the predetermined number of attempts. (col. 12 line 61 – col. 13 line 14 & fig. 14, fig. 17)

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ “drag and drop”, or any other forms to aid in the best learning-support environment.

9. As to regards claim 5, Fields states image-drag-drop software tool (col. 5 lines 46-59) but does not discloses “prevents the user from dragging an answer selection after the predetermined number of attempts.”

Tsumori states a way to prevent the user from dragging an answer selection after the predetermined number of attempts. (col. 11 line 46 – col. 12 line 35, Fig. 8). The examiner has interrupted that by inspecting the drawing, that after a user has entered an answer in S6, the interface display the correct/incorrect answer with out letting the user modify the screen.

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount



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of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

10. As to regards claim 6, Fields states image-drag-drop software tool (col. 5 lines 46-59)

Is an applet (col. 4 lines 13-23)

11. As to regards claim 8, Fields does not disclose "Web page comprises a page of an on-line educational course".

Tusomori states Web page comprises a page of an on-line educational course (col. 1 line 6- 10)

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

12. As to regards claim 9, Fields states a Web page includes a software tool tag instructing a browser to execute instructions for running the image-drag-drop software tool. (col. 4 line 60 – col. 5 line 21)

13. As to regards claim 10, Fields does not disclose "image-drag-drop software tool includes a definition file defining a correct answer to the question".

Tusmori states an image-drag-drop software tool includes a definition file defining a correct answer to the question. (col. 3 lines 11-16 & col. 17 lines 21-34).

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

14. As to regards claim 11, Fields does not disclose "definition file is separate from a source code for the Web page to prevent a user from obtaining the correct answer by viewing the source code".

Tsumori states a definition file is separate from a source code for the Web page to prevent a user from obtaining the correct answer by viewing the source code. (col. 3 lines 11-16 & col. 17 lines 21-34).

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

15. As to regards claim 12, Fields states image-drag-drop software tool (col. 5 lines 46-59)

Is an applet (col. 4 lines 13-23)

16. As to regards claim 14, Fields the instructions are executable on a virtual machine (col. 4 line 8-23 & col. 3 lines 27-32).

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

17. As to regards claim 15, Fields states the instructions are stored on a server and downloaded to a local processor of the user. (col. 4 line 8-23).

18. As to regards claim 16, Fields states the medium includes hypertext markup language (HTML) code to reference the software tool. (col. 5 line 60- col. 6 line 21)

19. As to regards claim 17, Fields states the HTML code includes the question (col. 5 line 60- col. 6 line 21).

20. As to regards claim 18, Fields does not discloses "a definition file indicating a correct answer for the question, the definition file being separate from the HTML code to prevent the user from obtaining the correct answer by looking at the HTML code."

Tsumori states a definition file indicating a correct answer for the question, the definition file being separate from the HTML code to prevent the user from obtaining the correct answer by looking at the HTML code." (col. 3 line 11-16 & col. 17 lines 21-34).

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

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21. As to regards claim 19, Fields states image-drag-drop software tool (col. 5 lines 46-59)

Is an applet (col. 4 lines 13-23)

22. As to regards claim 20, Fields states wherein the processor executes the image-drag-drop software tool to generate at least a portion of a graphical user interface on the display screen, the graphical user interface displaying a question, a plurality of answer selections and a plurality of answer regions to a user to allow the user to drag each answer selection of the plurality of answer selections to a unique answer region of the plurality of answer regions to form a proper response to the question. (col. 5 lines 46-59), but is inherent that a processor; a display screen; and memory including a Web page having an interactive image-drag-drop software tool embedded therein, are required to make the application execute.

Tsumori states a processor; a display screen; and memory including a Web page having an interactive image-drag-drop software tool embedded therein. (col. 9 lines 1-17)

The modifications would have been obvious because one of ordinary skill in the art would have been motivated to combine teaching set forth by Fields and Tsumori to result the most efficient way of educating a user to comprehend the maximum amount of information. The combination would cause a user to employ "drag and drop", or any other forms to aid in the best learning-support environment.

23. As to regards claim 21, Fields states comprising a browser for locating and displaying the Web page (col. 4 lines 8-23)

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24. As to regards claim 22, Fields states a network connection for connecting the electronic device to a computer network (col. 4 lines 8-23).

25. As to regards claim 23, Fields states input media to allow the user to form the proper response to the question. (col. 5 line 46-59)

26. As to regards claim 24, Fields states image-drag-drop software tool (col. 5 lines 46-59)

Is an applet (col. 4 lines 13-23)

### ***Conclusion***

Tsumori et al. (U.S. Patent Number 6,435,880 )

Fields et al. (U.S. Patent Number 6,347,943)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (703) 305-2738. The examiner can normally be reached on 9am - 6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703)308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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